

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 MARGARITA R. ELEGUE,

11 Plaintiff,

12 v.

13 FREMONT REORGANIZING  
14 CORPORATION, et al.,

15 Defendants.

Case No. 2:09-CV-00761-KJD-RJJ

**ORDER**

16  
17 On August 4, 2010, the Court filed a Notice (#58) advising Plaintiff that no proper proof of  
18 service had been filed as to Defendant Mortgage Loan Specialists, Inc. Pursuant to Fed. R. Civ. P.  
19 4(m), a Plaintiff must serve a copy of summons and complaint upon all defendants within 120 days  
20 of the filing of the complaint. Failure to provide notice of proper notice of service will result in  
21 dismissal of the action.

22 Here, Plaintiff's Complaint was filed on December 13, 2008. Accordingly, pursuant to Rule  
23 4(m) service was required upon all Defendants on or before August 13, 2009. The Court's Notice of  
24 August 4, 2010, noted that failure to file proof of proper service of a summons and complaint by  
25 September 3, 2010, would result in dismissal of the action against unserved party Mortgage Loan  
26

1 Specialists, Inc. To date, no proof of proper service of summons and complaint upon Defendant  
2 Mortgage Loan Specialists has been filed.

3 Accordingly, **IT IS HEREBY ORDERED** that Defendant Mortgage Loan Specialists, Inc. is  
4 **DISMISSED** without prejudice.

5 DATED this 28th day of October, 2010.

6  
7 

8  
9 \_\_\_\_\_  
Kent J. Dawson  
United States District Judge